IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3457 OF 2006

Suberam @ Subesingh Shrichand Walmiki ... Applicant
versus
The State of Maharashtra ... Respondent

Mr.M.J.Jamdar for applicant.
Mrs.M.M.Deshmukh, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th September 2006

PC :

1. The applicant is arrested in connection with CR No.153 of 2006 alleging offence punishable under section 302 of IPC..

2. The applicant is arrested on 27th June 2006. One Ravindra Gaikwad lodged a complaint on 27th June 2006 alleging that his brother Chandrakant was assaulted by Hockey Stick by applicant-accused after they quarrelled with each other. The applicant as also the deceased consumed liquor and it appears that the quarrel took place near the house of applicant and the

deceased who were neighbours.

3. The bail application preferred by the applicant prior to the filing of charge sheet was rejected on the ground that investigations are in progress.

4. The applicant filed an application for bail after the charge sheet was filed and had contended that there was no intention to assault or kill the deceased. The deceased was a habitual drinker and the incident took place after some quarrel and suddenly. The application was opposed principally on the ground that the eye witnesses to the crime including ladies, are residing next door to the applicant hence there is apprehension that the applicant would threaten them and tamper otherwise with the prosecution witnesses. In such circumstances, he should not be granted bail.

5. After perusing the application and annexures thereto so also the statements recorded, it appears that the applicant and deceased were together after consumption of liquor and apparently a quarrel took place under the influence of liquor. This is how the incident

occurred. The applicant has no antecedents and otherwise is a person having firm roots. He is serving in a company for last 28 years. The apprehension of the prosecution expressed before this Court as well as before Trial Court can be taken care of by directing that the applicant after release should reside else where and in Pune City proper. Hence, following order.

6. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.153 of 2006 registered with Khadaki Police Station, Pune subject to furnishing a personal bond of Rs.10,000/- (Rs.Ten thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall reside in Pune City proper after release on bail;

(iii) After release on bail the applicant shall immediately furnish details of his residential address in Pune City to the concerned Police Station. After bail and during pendency of the trial the applicant shall report to Swargate Police Station once a week;

(iv) The applicant shall not enter the limits of Khadaki Police Station till conclusion of trial and as per directions of Trial Court thereafter;

(v) The applicant shall not change his new residence at Pune City without prior intimation to the Investigating Officer;

(vi) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(vii) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(viii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(ix) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)